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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,585	10/22/2001	Nobuyoshi Sakatani	09662/0205733-US0	6588
7278 7590 02/15/2007 DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			EXAMINER BRUCKART, BENJAMIN R	
			ART UNIT	PAPER NUMBER
			2155	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/020,585	SAKATANI, NOBUYOSHI	
	Examiner	Art Unit	
	Benjamin R. Bruckart	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 7, 9, 10, 14, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 7, 9-10, 14, 19-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Claims 1-2, 7, 9-10, 14, 19-20 are pending in this Office Action.

Claims 1, 9 are amended.

Claims 3-6, 8, 11-13, 15-18 remain cancelled.

The objection to claim 9 is withdrawn in light of applicant's amendments.

Response to Arguments

Applicant's arguments filed in the amendment filed 12/19/06, have been fully considered but are not persuasive and moot in view of new grounds of rejection. See remarks below.

Applicant's invention as claimed:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "at the time it is displayed" in the last limitation. The use of the pronoun 'it' is unclear because it is not well defined. Further it is confusing and unclear how something to be displayed is accessed and retrieved while 'at the time' is it being displayed. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 7, 9, 14, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 7,089,194 by Berstis et al in view of U.S. Patent No. 6,300,936 by Braun et al in further view of U.S. Patent No. 6,880,123 by Landsman et al.

Regarding claim 1,

the Berstis reference teaches an information delivery system (Berstis: col. 2, lines 61-67), comprising:

a computer terminal (Berstis: col. 2, lines 64; client); and

an information provider server (Berstis: col. 2, lines 63; server),

wherein said computer terminal and said information provider server are connected with each other via a network (Berstis: col. 2, lines 61-67; Fig. 1);

said information provider server transmits content having an information receiving program or a tag for an information receiving program to said computer terminal in response to being accessed by said computer terminal (Berstis: col. 10, lines 49-67), wherein said computer terminal executes a plurality of tasks (Berstis: col. 5, lines 47-56; programs), including a browser application (Berstis: col. 6, lines 20-22), and the content is displayed by the browser application in one window of the plurality of windows (Berstis: col. 10, lines 49- col. 11, line 3); and

said computer terminal accesses and retrieves delivery information at the time it is displayed from a predetermined server via the network, by the browser application (Berstis: col. 10, lines 49-65), and automatically displays the delivery information in one window (Berstis: col. 10, lines 49- col. 11, line 3), in the case where, after said browser application displays the content in one window, it is judged that an entering operation is not executed in the one window for a predetermined period of time by said information receiving program or the information receiving program obtained by the tag (Berstis: col. 10, lines 59- col. 11, line 3).

The Berstis reference fails to state a plurality of windows simultaneously displayed.

However, the Braun reference teaches a plurality of application windows simultaneously displayed on the computer terminal (Braun: col. 2, lines 10-25) even and an entering operation is executed in the other windows during the predetermined period of time (Braun: col. 2, lines 10-25; the other windows are active and the background image is inactive) without changing information displayed in other windows of the plurality of windows (Braun: col. 2, lines 10-25; the inactive windows) in order to have manipulation and display of both active and inactive windows (Braun: col. 2, lines 10-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the information delivery system as taught by Berstis to include multiple windows of applications as taught by Berstis to allow the user to manipulate and display multiple windows at once (Braun: col. 2, lines 10-25).

The combination of Berstis and Braun fail to teach retrieving content during idle periods.

However, the Landsman reference teaches obtaining content during periods of inactivity (Landsman col. 10, lines 59-67) in order to utilize low network bandwidth (Landsman: col. 5, lines 26-36)

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the information delivery system as taught by the modified Berstis to include obtaining content during idle periods as taught by Landsman in order to utilize low network bandwidth (Landsman: col. 5, lines 26-36).

Regarding claim 2, the information delivery system according to claim 1, further comprising:

an information delivery server connected to the network, wherein said information delivery server provides the delivery information in response to being accessed by said computer terminal (Berstis: col. 11, lines 4-18).

Regarding claim 7,

the Berstis reference teaches an information delivery program (Berstis: col. 2, lines 61-67) delivered according to a Web page obtained via a network and displayed by a browser

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application (Berstis: col. 10, lines 49- col. 11, line 18) in one window of a plurality of windows displayed on a computer that executes a plurality of tasks (Berstis: col. 5, lines 47-56; programs), including the browser application, in the plurality of windows (Berstis: col. 10, lines 49- col. 11, line 3), causing the computer to execute:

an entering operation judgment function for judging that an entering operation by a user is not executed for said Web page obtained via the network and displayed on the computer for a predetermined period of time under a condition that a said Web page obtained via the network is displayed (Berstis: col. 10, lines 49- col. 11, line 3);

a content obtaining function for obtaining content by the browser application from a predetermined server via the network (Berstis: col. 10, lines 49- col. 11, line 3); and

a content display function for displaying the content obtained by said content obtaining function in said Web page (Berstis: col. 10, lines 49- col. 11, line 3);

said web page obtained via the network is displayed again when it is judged that the enter operation by said user is executed (Berstis: col. 10, line 49- col. 11, lines 3).

The Berstis reference fails to state a plurality of windows simultaneously displayed.

However, the Braun reference teaches a plurality of application windows simultaneously displayed on the computer terminal (Braun: col. 2, lines 10-25) even when an entering operation by the user is executed in other windows of the plurality of windows during the predetermined period of time (Braun: col. 2, lines 10-25; the other windows are active and the background image is inactive) without changing information displayed in other windows of the plurality of windows (Braun: col. 2, lines 10-25; the inactive windows) in order to have manipulation and display of both active and inactive windows (Braun: col. 2, lines 10-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the information delivery system as taught by Berstis to include multiple windows of applications as taught by Berstis to allow the user to manipulate and display multiple windows at once (Braun: col. 2, lines 10-25).

The combination of Berstis and Braun fail to teach retrieving content during idle periods.

However, the Landsman reference teaches obtaining content during periods of inactivity (Landsman col. 10, lines 59-67) in order to utilize low network bandwidth (Landsman: col. 5, lines 26-36)

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It would have been obvious to one of ordinary skill in the art at the time of the invention to create the information delivery system as taught by the modified Berstis to include obtaining content during idle periods as taught by Landsman in order to utilize low network bandwidth (Landsman: col. 5, lines 26-36).

Regarding claim 9, the information delivery program according to claim 7, causing the computer to further execute a display restart function for restarting display of the Web page in a case where a predetermined entering operation to the browser application displaying the content is executed by the user, after the content is displayed in place of the displayed Web page by said content display function (Berstis: col. 10, lines 59- col. 11, line 3; computer is no longer idle; its an active window).

Regarding claim 14,

the Berstis reference teaches a server which is connected to a network and provides a computer apparatus connected to the network (Berstis: col. 2, lines 61-67) with a predetermined program (Berstis: col. 10, lines 49- col. 11, line 3), wherein the computer apparatus executes a plurality of tasks (Berstis: col. 5, lines 47-56; programs), including a browser application (Berstis: col. 10, lines 49- col. 11, line 3), said server comprising:

an accepting means of a program receiving request for accepting a program receiving request executed based on tag information contained in an HTML content which is obtained by the computer apparatus via the network (Berstis: col. 10, lines 59-65; col. 13, lines 28-39; col. 5, lines 47-56); and

a program providing means for providing an information receiving program based on the program receiving request (Berstis: col. 10, lines 49- col. 11, line 3), the information receiving program being for accessing a predetermined server via said network from the computer apparatus to pull alternative content (Berstis: col. 10, lines 49- col. 11, line 3), which is to be displayed by the browser application in place of the HTML content displayed in one window of the plurality of windows on the computer apparatus (Berstis: col. 10, lines 49- col. 11, line 3), in the case where, after said HTML content is displayed in the one window, no operation is

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executed in the one window for a predetermined period of time (Berstis: col. 10, lines 49- col. 11, line 3).

The Berstis reference fails to state a plurality of windows simultaneously displayed.

However, the Braun reference teaches a plurality of application windows simultaneously displayed on the computer terminal (Braun: col. 2, lines 10-25) even when an entering operation by the user is executed in other windows of the plurality of windows during the predetermined period of time (Braun: col. 2, lines 10-25; the other windows are active and the background image is inactive) without changing information displayed in other windows of the plurality of windows (Braun: col. 2, lines 10-25; the inactive windows) in order to have manipulation and display of both active and inactive windows (Braun: col. 2, lines 10-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the information delivery system as taught by Berstis to include multiple windows of applications as taught by Berstis to allow the user to manipulate and display multiple windows at once (Braun: col. 2, lines 10-25).

The combination of Berstis and Braun fail to teach retrieving content during idle periods.

However, the Landsman reference teaches obtaining content during periods of inactivity (Landsman col. 10, lines 59-67) in order to utilize low network bandwidth (Landsman: col. 5, lines 26-36)

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the information delivery system as taught by the modified Berstis to include obtaining content during idle periods as taught by Landsman in order to utilize low network bandwidth (Landsman: col. 5, lines 26-36).

Regarding claim 19,

the Berstis reference teaches an advertising information delivery method for delivering advertising information to a viewer computer terminal via a network (Berstis: col. 2, lines 61-67), wherein the viewer computer terminal executes a plurality of tasks (Berstis: col. 5, lines 47-56; programs), including a browser application (Berstis: col. 10, lines 49- col. 11, line 3), said advertising information delivery method comprising the steps of:

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embedding an information receiving program in the HTML content obtained by the viewer computer terminal (Berstis: col. 10, lines 59-65; col. 13, lines 28-39; col. 5, lines 47-56);

supervising an entering operation for said HTML content displayed by the browser application in one window of the plurality of windows of said viewer computer terminal by use of the information receiving program after the HTML content is displayed in the one window of the viewer computer terminal (Berstis: col. 10, lines 49- col. 11, line 3); and

delivering the advertising information to the viewer computer terminal from a predetermined server via the network (Berstis: col. 10, lines 49- col. 11, line 3)

displaying the advertising information in the one window (Berstis: col. 10, lines 49- col. 11, line 3).

The Berstis reference fails to state a plurality of windows simultaneously displayed.

However, the Braun reference teaches a plurality of application windows simultaneously displayed on the computer terminal (Braun: col. 2, lines 10-25) even when an entering operation by the user is executed in other windows of the plurality of windows during the predetermined period of time (Braun: col. 2, lines 10-25; the other windows are active and the background image is inactive) without changing information displayed in other windows of the plurality of windows (Braun: col. 2, lines 10-25; the inactive windows) in order to have manipulation and display of both active and inactive windows (Braun: col. 2, lines 10-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the information delivery system as taught by Berstis to include multiple windows of applications as taught by Berstis to allow the user to manipulate and display multiple windows at once (Braun: col. 2, lines 10-25).

The combination of Berstis and Braun fail to teach retrieving content during idle periods.

However, the Landsman reference teaches obtaining content during periods of inactivity (Landsman col. 10, lines 59-67) in order to utilize low network bandwidth (Landsman: col. 5, lines 26-36)

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the information delivery system as taught by the modified Berstis to include obtaining content during idle periods as taught by Landsman in order to utilize low network bandwidth (Landsman: col. 5, lines 26-36).

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Regarding claim 20, the advertising information delivery method according to claim 19, wherein it is determined whether a predetermined operation is executed or not for the viewer computer terminal, and when the predetermined operation is executed, the advertising information is delivered without awaiting a passage of the predetermined period of time (Berstis: col. 10, line 49- col. 11, line 3).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 7,089,194 by Berstis et al in view of U.S. Patent No. 6,300,936 by Braun et al in further view of U.S. Patent No. 6,880,123 by Landsman et al in further view of U.S Patent No. 5,740,549 by Reilly et al.

Regarding claim 10,

The modified Berstis reference teaches the information delivery program according to claim 7. The Berstis reference fails to teach specifying categories.

However, the Reilly reference teaches, causing the computer to further execute:

a category specifying function for allowing the user to specify a category which the user desires to obtain by use of said content obtaining function (Reilly: col. 7, lines 14-28); and

a writing function for writing information regarding the category specified by said category specifying function into a cookie as user information (Reilly: col. 7, lines 14-28) in order to disseminate targeted information and advertisements to subscribers when their computer is idle (Reilly: col. 2, lines 28-47).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the information delivery program as taught by Berstis to include profile and category information as taught by Reilly in order to disseminate targeted information and advertisements to subscribers when their computer is idle (Reilly: col. 2, lines 28-47).

REMARKS

Applicant has made an amendment to the independent claim 1 and presented arguments. The amended portion of claim 1 is subject to a 112 rejection but the examiner understands the intention through the clear and concise arguments and remarks presented. Claim 1 is become more difficult to read and understand with the many if/in the case/when limitations separated by many comas. Applicant might want to address this.

The examiner interprets the main idea of this amendment was to emphasize that the steps of retrieving and displaying take place when a single browser window is idle. The examiner does not believe this limitation to be novel as previously and currently rejected with the Landsman reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER